

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TITUS INTERNATIONAL PLC,

Plaintiff,

v.

HARDWARE RESOURCES, A DIVISION OF
PROGRESSIVE STAMPING & PLATING,
INC.,

Defendant.

Case No. 08-CV-02158 (WHP)

DECLARATION OF JEFF LOWE

1. This declaration is made in support of Defendant's Motion to Dismiss Pursuant to First to File Rule, and in the Alternative, to Transfer Venue 28 U.S.C. §1404(a) and Memorandum in Support of Defendant's Motion to Dismiss Pursuant to First to File Rule, and in the Alternative, to Transfer Venue 28 U.S.C. §1404(a).

2. My name is Jeff Lowe and I am the president of Defendant, Hardware Resources, Inc. ("Hardware Resources"). I am over eighteen (18) years of age and I am capable of making the declarations contained herein. The representations contained herein are based on my personal knowledge and/or knowledge as president of Hardware Resources.

3. Hardware Resources, a division of Progressive Stamping and Plating, Inc., became a separate company in or around 2005 under the name Hardware Resources, Inc. Hardware Resources is a Louisiana corporation.

4. Hardware Resources is in the business of manufacturing and selling *inter alia* hardware components such as hinges and knobs for furniture.

5. Hardware Resources executed contracts with Lama d.d. ("Lama") in 1999 and 2004 regarding sales of Lama's hinges in the United States. Both of these contracts were negotiated, executed, and performed by Hardware Resources in Bossier City, Louisiana.

6. The 1999 contract expired on December 31, 2002. The 2004 contract did not have an expiration date, but was to remain in force until terminated. Neither Lama nor Hardware Resources has terminated the 2004 contract.

7. Since before 1999, Hardware Resources has consistently operated its business from Bossier City, Louisiana. Hardware Resources has offices in Illinois, Georgia, California and has a single salesperson located in Long Island, New York, but maintains its principle place of business in Bossier City. The management and records of the Company are located at Bossier City.

8. All decisions or actions by Hardware Resources originated and occurred in Louisiana. All the officers, managers and witnesses for Hardware Resources are located in Bossier City, Louisiana. Sales of most products subject to the 1999 and 2004 Contracts that were made by Hardware Resources were made from Louisiana. The records of sales made by Hardware Resources pursuant to the 1999 and 2004 Contracts are located in Louisiana.

9. Documents related to the business of Hardware Resources are located in Bossier City, Louisiana, including the shipping documents, storage documents, and sales documents for the hinges at issue, examples of the hinges at issue and their installation and quality, advertising records and data from sales personnel.


10. Last year, less than 1% of Hardware Resources' total revenue was received from sales made within New York. It maintains no records or other documents in the state of New York, other than the personal files of the single salesperson in New York.

11. Attached at Exhibit F to the Defendant's Memorandum in Support of Defendant's Motion to Transfer Venue Pursuant to First to File Rule, and in the Alternative, to Transfer Venue 28 U.S.C. §1404(a) is a true and accurate copy of the 1999 Contract that was entered into by Lama d.d. Dokani and Hardware Resources, LLC.

12. Attached at Exhibit G to Defendant's Memorandum in Support of Defendant's Motion to Transfer Venue Pursuant to First to File Rule, and in the Alternative, to Transfer Venue 28 U.S.C. §1404(a) is a true and accurate copy of the 2004 Contract ("U.S. Marketing Agreement") that was entered into by Lama d.d. Dokani and Hardware Resources, Division of Progressive Stamping and Plating, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 30, 2008.


Jeff Lowe
President of Hardware Resources, Inc.